IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 2168 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

LEGAL HEIRS OF RAGHUVIRSINH JORUBHA

Versus

SHIVABHAI GUMANSINH PARMAR

Appearance:

MR RC KAKKAD for Applicants No. 1-1/3

Respondent No. 1, 3 served

DELETED for Respondent No. 2

CORAM : MR.JUSTICE J.R.VORA

Date of decision: 29/01/2003

ORAL JUDGEMENT

1. Heard learned Advocate Mr. R.C. Kakkad for the applicants. Rule served to opponents.

2. This is an application under Section 24 of the Motor Vehicles Act to transfer the Motor Accident Claim Petition bearing No. 656/1993 pending before the Motor Accident Claims Tribunal, Ahmedabad (Rural) to Motor Accident Claims Tribunal at Bhavnagar.

3. It is urged that the applicants originally belong to Bhavnagar District and under the provisions of the Motor Vehicles Act, the applicants are entitled otherwise to file this Motor Accident Claim Petition in the Tribunal at Bhavnagar. By transferring this claim petition, no prejudice is caused to the other side. The applicants at present have no source of income and the bread winner of the family has died in the unfortunate accident.

4. In view of what is urged above, the request for the transfer of the Motor Accident Claim Petition as prayed for is required to be granted.

5. For the above said reasons, this Application is allowed. Motor Accident Claim Petition No.656/93 pending before the Motor Accident Claims Tribunal, Ahmedabad (Rural) is directed to be transferred to the Motor Accident Claims Tribunal at Bhavnagar. Motor Accident Claims Tribunal at Ahmedabad (Rural) shall immediately forward the record and proceedings of the said Motor Accident Claim Petition to Motor Accident Claims Tribunal at Bhavnagar and the Motor Accident Claim Tribunal, Bhavnagar, shall register the said Motor Accident Claim Petition and shall dispose of according to law. Rule is made absolute. No costs.

(J.R. Vora, J.)

p.n.nair